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Attorneys for Defendant
IDEXX DISTRIBUTION, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARNELLE MAC DULA, individually and on
behalf of all other similarly situated employees,

Plaintiff,

vs.

IDEXX DISTRIBUTION, INC., a Massachusetts
Corporation; and DOES 1 to 100, inclusive,

Defendants.

Case No. 2:23-cv-01819-CKD

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
DEFENDANT IDEXX DISTRIBUTION, INC.
TO FILE A RESPONSIVE PLEADING**

Action Filed: July 19, 2023
Trial Date: None Set

1 This stipulation is entered into by and between Plaintiff MARNELLE MAC DULA
2 (“Plaintiff”) and Defendant IDEXX DISTRIBUTION, INC. (Defendant”) (collectively, the
3 “Parties”), by and through their undersigned counsel of record, with reference to the following facts
4 and recitals:

5 WHEREAS, Plaintiff filed her Class Action Complaint in the Superior Court of the State of
6 California, County of Sacramento, assigned Case No. 23CV005044 on July 19, 2023 (the “Action”).

7 WHEREAS, on August 25, 2023, Defendant removed this Action to this Court under the Class
8 Action Fairness Act.

9 WHEREAS, Defendant sent a meet and confer letter to Plaintiff outlining the arguments for
10 its proposed Rule 12 motion to Plaintiff’s Complaint.

11 WHEREAS, the Parties have agreed to extend the time for Defendant to respond to the
12 Complaint by 45 days, thus establishing a new response date to October 16, 2023.

13 WHEREAS, the Parties have established this new due date to provide the Parties with more
14 time for Plaintiff to propose a First Amended Complaint, to further meet and confer in regards to the
15 potential Rule 12 motion, and for Plaintiff to complete her evaluation of whether to file a remand
16 motion.

17 WHEREAS, the Parties agree that, in entering into this stipulation, Plaintiff will not be
18 considered to be waiving any right to file a motion seeking remand or otherwise considered to be seeking
19 affirmative relief that could be construed as waiving her right to file a motion seeking remand or any
20 basis therefore.

21 WHEREAS, the Parties agree that, in entering into the stipulation, Defendant is not waiving any
22 rights to file a Motion to Dismiss or waiving any defenses.

23 WHEREAS, the Parties agree that, in entering into the stipulation, Defendant is making no
24 representation as to the adequacy of any First Amended Complaint.

25 IT IS THEREFORE STIPULATED AND AGREED, by and between the undersigned counsel
26 as follows:
27
28

1 1. The Parties agree that Defendant has until October 16, 2023 to respond to the Plaintiff's
2 Complaint.

3 2. Plaintiff will provide a draft First Amended Complaint to Defendant by September 15,
4 2023.

5 IT IS SO STIPULATED.

6
7 DATED: August 31, 2023

SHIMODA & RODRIGUEZ LAW, PC

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10 By: /s/ Brittany V. Berzin
GALEN T. SHIMODA
11 JUSTIN P. RODRIGUEZ
BRITTANY V. BERZIN

12 Attorneys for Plaintiff
13 MARNELLE MAC DULA

14 DATED: August 31, 2023

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

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17 By: /s/ Alexandra Asterlin [as auth. on 8/31/23]
ALEXANDRA ASTERLIN
18 KYLE WENDE

19 Attorneys for Defendant
20 IDEXX DISTRIBUTION, INC.

~~PROPOSED~~ ORDER

The COURT, having considered the above stipulation and finding good cause, HEREBY
ORDERS that:

1. The Parties agree that Defendant has until October 16, 2023 to respond to the Plaintiff's Complaint.
2. Plaintiff will provide a draft First Amended Complaint to Defendant by September 15, 2023.

IT IS SO ORDERED.

Dated: September 1, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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